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## Planning Commissioners:

Thank you for the opportunity to provide public comment on the CAO update you are currently reviewing.

Protecting and preserving the sensitive areas, despite their perception as being overly restrictive to development is the least costly way of dealing with potentially damaging impacts. The city and its citizens are here to stay and it's in our best interest to protect these areas so that in the future we are not burdened with paying for property damages, costly repairs to infrastructure or unfunded investments in infrastructure.

The City should lead the way by keeping intact essential regulations that were created especially for the unique geology of the plateau. Natural systems have a limited carrying capacity, and several of our streams are under threat, such as the 2 landslides that have occurred in the Ebright Canyon, wiping out last year's kokanee run.

The Sammamish Basin Plan was undertaken to better plan for urban development without degrading the natural resources of wetlands, streams and lakes. Zoning R-1 in urban areas was to protect these critical resources. Its important to understand that the Erosion Hazard Overlays limiting development and impervious surfaces are **additional** protections for high value resources.

It is scientifically recognized that impervious surfaces at about 8-10%, while impacting critical areas, still allows for them to function. At 35% impervious surfaces the resource can no longer function; there are permanent biological losses, degradation is permanent and the system will not recover.

The natural system is the same system, it hasn't moved away.

- Current common practices will not conserve the natural environment and do not pay for their losses. Environmental degradation is an ignored cost many property owners are burdened with.
- Project by project review does not address cumulative impacts.

• Some think that the Urban Growth Area should be paved over so that rural areas can stay rural. This, however, ignores the importance of the life that depends on the wetlands, streams and forests in our city. The citizens of WA state and the state legislature committed to protecting the values and functions of these resources by updating our CAO regulations based on the Best Available Science. Maintaining open space corridors throughout the urban areas extending out to the rural areas are key to the success in preserving our natural heritage and to maintaining viable ecosystems.

I would like to comment specifically on the proposed changes to isolated wetlands, buffer reductions to wetlands and streams, allowing wetlands to be used for stormwater controls, and the opening up of development in the NO DISTURBANCE AREAS.

All of these proposed changes are being proposed based on property owner's desires to develop their properties to the highest and best use, and to have the city guarantee them a return on their investment.

The purpose of the mandated updates to these regulations is to analyze the function of these natural resources and to continue to provide viable habitat for wildlife within our city borders and protect property owners of the degrading impacts of improperly regulated devlopment.

It is recognized that regulations cannot be rolled back to be less protective of our resources unless it can be scientifically demonstrated that the regulation isn't accomplishing the goals.

I have provided wetland buffer studies previously and will add that in my personal experience while monitoring the Laughing Jacobs Wetland Mitigation Bank I personally experience how neighbors of wetland buffers impact them very negatively. There is no private ownership of this wetland, however, a neighbor's dog daily used the buffer as a toilet. We would have to skirt the entire buffer in order to avoid stepping in feces. The neighbor next to them decided to build a raised vegetable garden in the buffer because it was sunnier than their yard. Another neighbor would throw sticks out into the wetland and have the dog run out and bring it back as it trampled through a canal where we counted hundreds of newt egg clutches. These houses are not fenced off from the wetland; the side of the wetland that has condos, while fenced, is being impacted by dumping of Christmas trees and

unwanted houseplants. The only side of the wetland that wasn't being negatively impacted was a cyclone-fenced area under mature forest cover with houses on larger lots. We were monitoring water levels and wildlife productivity by conducting egg clutch counts in the main pond and surrounding smaller ponds and conducted bird counts with the Audubon Society, as well as vegetation surveys.

This wetland is a mitigation bank for King County that they spent about 2 million dollars to restore and the contractor had a backhoe sink in. This is what you are considering recommending for a fee in-lieu scheme. The mitigation bank is being negatively impacted by inadequate buffers. Fee-in-lieu schemes are expensive and complicated to administer and do not lead to better wetlands or streams.

Wetlands should not be used for stormwater control. All wetlands are negatively impacted by extreme water level fluctuations (the hydroperiod)) The 7 year monitoring and study of 17 wetlands throughout King County in the '90's that led to the book Wetlands and Urbanization: Implications for the Future, clearly proved the negative impacts on wetlands. It led to better wetland management and the protocol that is in the current Dept of Ecology's Stormwater Manual.

The consideration of impacting class III and class IV wetlands is also leading to further losses of wetland and wetland functions. Past regulations that were insufficient to protect buffers, and functions are now the very attributes that will be used to exempt these wetlands from protections and to further negatively impact them, most likely leading to their loss.

Stream buffers are an important regulatory measure to provide some area of movement for streams. These natural systems are dynamic and should not be further and further restricted by reductions in their buffers. This also leads to the wildlife corridors. The city adopted the King County mapped wildlife corridors that in some areas aligned with streams, wetland mosaics and open areas. Unfortunately the 300 ft. corridors can be reduced to 150 ft. and now the city seems to have aligned the corridors along streams and done away with the original corridors. Since streams usually require the 75'-150' on either side, they feel they have provided a 150-300 ft. buffer for wildlife. The review does not take into consideration the real movement of wildlife around the plateau and the alignment does not necessarily provide the 300 ft

corridor especially along stream ravines. Animals, like humans often cannot cross these areas.

The NO DISTURBANCE ZONE should be maintained, and subdivisions should not be allowed. The plateau edges want to flatten out geologically over time, and disturbance in these areas will only precipitate that effect. Allowing pipes and the associated infrastructure to service development creates new avenues of risk of destabilization that will impact down slope properties and lakeshore owners.

The 2005 CAO update was a good update and should be recommended to continue to regulate the city's critical areas. Here, again, I would like to reiterate that we are the first city to undertake the 2014 review of out CAO ordinance, and should not compare our regulations to other jurisdictions because they have not adopted up-dated regulations.